<u>Remarks</u>

Claims 1 through 15 and 19 remain pending in the application. Claims 16 through 18 are withdrawn.

The Office Action indicates that drawings are required. This application is a national stage application of PCT/EP2004/012968, which was published as WO2005053968 with one sheet of drawings containing three figures, discussed in detail throughout specification in the international application. The drawings are in the file of the current application.

The application is subject to a restriction. Applicants confirm the election of Group 1, claims 1 through 15 and 19, without traverse.

Claims 7 and 8 are amended to cure the indefiniteness identified by the Examiner.

The Office Action rejects claims 1 through 15 and 19 as anticipated by Scanlin, Coded Identification Card, U.S. Patent 3802101 (Apr. 9, 1974), under the assertion that Scanlin discloses a security element comprising an aluminum core sheet (Scanlin's item 8) with identifiers in the form of patterns of holes (Scanlin's item 6), in which the metal layer is disposed between translucent coating layers (Scanlin's items 10 and 12) which have sufficiently low transmittance to obscure the coded regions. The Office Action also rejects claim 1 as obvious over Scanlin, under the assertion that the low transmissibility of Scanlin's coating layers likely falls below the 10% and 5% recited in claims 1 and 2.

Claim 1 is amended to recited limitations regarding the lower limit of transmittance of the coating layers, such that they must have a transmittance sufficiently high such that the metal layer and the identifiers will be visible under reflected light. Transmittance is a physical attribute of the coating layer, and the requirement that it be high enough to make the metal layer and identifiers visible in reflected light is disclosed in the specification (see page 2, ll. 21-28 and page 7, ll. 22-27 in the translation). The requirement that the transmittance be low to provide the desired effect when backlit is expressed in the claim by the requirement that the transmittance be less than 10%.

Scanlin does not anticipate claim 1 because Scanlin does not disclose a coating layer of sufficient transmittance to make the underlying metal layer and identifiers visible in reflected light. Scanlin teaches against the device of claim 1 because it teaches that his coded information should be "hidden from the credit card user, who will probably not even be aware that it is there." In the claimed device, the identifiers are visible to the user. Because Scanlin teaches that the identifiers should be obscured and hidden, the device of claim 1 which requires that they be visible is non-obvious over Scanlin.

The remaining claims are dependent on claim 1, and should be allowable as dependent on an otherwise allowable base claim.

Claim 6 is rejected as indefinite by Scanlin under the additional assertion. Applicants submit that those of skill in the art will readily be able to select coating layer materials which allow transmission of laser light to ablate the metal layer without being ablated by the same light. In this context,

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the term appreciable absorption is readily understood, and the bounds of what is and what is not "appreciable absorption" can be readily determined: If the coating material allows passage of laser light sufficient to ablate the metal layer, without ablating the coating, the coating meets the limitation of "no appreciable absorption." The claim term "appreciable" is used on at least 2765 issued patents, and is similar to the common claim term "substantial"(the PTO database includes almost one million patents with the term substantially in the claims). Both have been accepted as sufficiently definite for claim language for quite some time.

Conclusion

This response has addressed all of the Examiner's grounds for rejection. The rejections based on prior art have been traversed. Reconsideration of the rejections and allowance of the claims is requested.

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